

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

**GEORGE ANTHONY SEXTON,
AND WIFE MARY P. SEXTON,**

Plaintiffs,

vs.

**Case No.: 3:09-CV-535
Varlan/Shirley
Jury Demanded**

**STATE FARM FIRE
AND CASUALTY COMPANY,**

Defendant.

**DEFENDANT STATE FARM FIRE & CASUALTY COMPANY'S
MOTION FOR SUMMARY JUDGMENT**

Defendant State Farm Fire & Casualty Company ("State Farm"), by and through counsel and pursuant to Rule 56 of the Federal Rules of Civil Procedure, files this motion for summary judgment.

In support of its motion for summary judgment, State Farm states that the plaintiffs' policy of insurance has been declared void pursuant to the **Concealment or Fraud** provision of their homeowners insurance policy with State Farm. State Farm submits that there is no genuine issue of material fact, that plaintiffs made material misrepresentations during the investigation and process of their insurance claim, and that State Farm is entitled to a judgment as a matter of law. State Farm further relies upon its Memorandum of Law in Support of Its Motion for Summary Judgment, its Statement of Undisputed Material Facts, and the record as a whole.

Respectfully submitted,

**BAKER, O'KANE,
ATKINS & THOMPSON**

/s/ Michael K. Atkins
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Casualty Company**

CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2011, a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

/s/ Michael K. Atkins
MICHAEL K. ATKINS